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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

SUPPLEMENTAL DECLARATION OF AILEEN NAKAMURA

AILEEN NAKAMURA declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Aileen Nakamura. I am over 18 years old.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. This declaration supplements my declarations of December 16, 2019 (Doc. 680-1, Ex. N); March 11, 2020 (Doc. 723, Ex. F); and August 2, 2020 (Doc. 755, Ex. 4).
4. I am a registered voter residing in Sandy Springs in Fulton County, Georgia, and have been an active voter since my family moved to Sandy Springs in 2007. I make a practice of voting in every election for which I am eligible and plan to continue to vote in every such election.

5. I am also an active volunteer for the Coalition for Good Governance (“CGG”) and have been observing and poll watching Georgia elections as well as pre- and post-election activities in Fulton, Cobb, Paulding, Bartow, and Cherokee counties since October, 2019. I devote approximately 80 volunteer hours per month to CGG activities. I also frequently recruit and train other poll observers for CGG.

6. In addition to poll observation, much of my volunteer work is in the area of voter education and education of other non-profit organizations concerning election security and voter privacy. I have spoken to election integrity organizations such as Scrutineers and SMART Elections on behalf of CGG on topics ranging from issues we have seen in Georgia with the new Dominion voting machines, to how to photograph and collect poll tapes on Election Day, . I helped develop concept plans for 2020 candidate education on election security, but because of a shortage of resources, the efforts had to be redirected to Curling litigation.

7. I also spend considerable time on behalf of CGG assisting voters who are having difficulties voting, or learning the status of their applications or ballots. I have created and managed voter surveys and complaint reports. Voter assistance related to voting technology issues is an area that has not received the attention we

would have planned to devote, because of the resource dedication needed for the Curling litigation.

8. I personally have experienced difficulties voting since the introduction of the new Dominion voting equipment in Fulton County:

June 9, 2020 Primary Election

9. My daughter, Saya Abney, and I sent our Absentee Ballot applications for the June 9 election on May 6, 2020, but neither of us ever received our Absentee Mail Ballots. I sent my application via email, and I assisted Sayain sending hers through regular mail.

10. My husband, Russ Abney, also sent his application along with Saya's on May 6 from the Sandy Springs Post Office. According to his My Voter Page (MVP), his application was received on May 11 and a ballot was issued to him on May 12. Russ' ballot arrived in our mailbox on May 21.

11. We contacted Fulton County Elections about Saya's and my ballot applications not being recorded as received, and our MVPs finally indicated that our ballots were reported as both received and issued on June 1. However, we never received them in the mail.

12. As Election Day drew nearer, I became more and more nervous about Saya and I having to vote in-person during the pandemic since we both have chronic health issues. In addition, I wanted to vote a secret and auditable vote, so I

greatly preferred voting on an absentee paper ballots which could be audited, as opposed to a printout where a machine barcode would be tallied which I could not personally verify.

13. Around 3 p.m. on June 5, the last day of Early Voting, I decided to take a drive to my polling place, Sandy Springs Library, which was also one of the eight Early Voting polling locations for Fulton County, to see if it appeared potentially safe from a public health standpoint to vote in person since I was afraid our ballots would not arrive in time and there would be long lines on Election Day.

14. However, I was also aware that if I voted in person, I would be breaking state law at the time because the State's stay-at-home mandates applied to me because of my health condition, and there was no exception for attendance at a polling place for voting.

15. In my 13 years of living in Georgia, I have never seen my library or any other Early Voting location I have visited as a poll observer, with as long a line as the Sandy Springs Library did that day. I asked a person who was in line how long they had been waiting, and they said about 3 hours. They estimated they still had another 30-45 minutes to go until they reached the voting area inside.

16. I have generally preferred to vote in person at this library, towards the end of the Early Voting period or on Election Day, and there are generally no

significant lines of voters waiting to vote. My practice of voting in person changed once I realized the security vulnerabilities of voting on a touchscreen machine.

17. I told the poll worker that I had not received my Absentee Ballot, and asked if many others were in the same boat, hoping that there was a shorter line for people in my predicament. He told me that about half the people in line had stated that they had not received their Absentee Mail Ballots.

18. I then asked if he knew why the line was so long, and he replied that there wasn't enough equipment – there were only 4 voting machines inside. I asked if they would have more machines for Election Day, and he replied that there should be more. I was disappointed that they were not reducing lines by using Emergency Paper Ballots, which they are authorized to do if lines are over 30 minutes.

19. Instead of waiting in a 3+ hour line to vote that day in pandemic conditions, I decided to see if our Absentee Mail Ballots would arrive in the mail before Tuesday. I was very uncomfortable knowing that if the ballot arrived on Tuesday, I was going to be forced to choose to break one state law or another, or not vote. The mail ballot insert warning in every mail ballot packet I get states that it is illegal to vote a mail ballot on Election Day. Yet it was illegal for me to violate the Stay-at-Home orders from the Governor by going to the polling place. The thought of having to wait in a long line to vote in a crowded polling place during a

pandemic caused me to be anxious. The ballots did not arrive on Saturday, and on Election Day, Saya and I waited until 5pm, but our ballots still did not arrive. We therefore went to our precinct polling place to vote, and luckily did not find a significant line, and I was able to make a best effort at taking health safety precautions.

20. At the Sandy Springs Library polling place, (SS06) at least two of the BMD displays, which faced into the room, were clearly observable when being used by other voters walking into the room, any poll workers walking by or standing at certain angles, and even to people standing in line waiting to be checked in. This made me uncomfortable that just by looking up, I would see how some voters in my neighborhood were voting.

21. As I was waiting to check in, I began to hesitate, to think through the ballot choices and whether I was comfortable voting all of the races in public in front of my neighbors. Choosing between certain Democratic candidates is not something I wanted to do in public, given that I had close friends supporting competing candidates for certain races and asking me for my votes. I decided to wait until I was standing in front of the machine and look around at who may be watching and if no one was, I would hurry through my more sensitive votes and scroll forward so that they did not remain on the display.

22. Also, the carriers housing 4 BMDs all contain 2 BMDs side by side, which means social distancing is not possible between those BMDs. I also noted that a person walking to or away from one of the pair of BMDs could likely see the screen of the other person quite easily.

23. When it was our turn to check in, I told the first poll worker at the Poll Pads that Saya and I had sent in absentee ballot applications, but had never received our ballots. She nodded, and I was surprised that she continued checking me in, without asking us to sign an affidavit saying that we would not send in an absentee ballot. Nor did she call the Elections Office to cancel our ballots. After checking in, I was given a Smartcard and told I could use any of the 10 BMDs.

24. Saya had already finished checking in and chosen a BMD, and as I walked towards another BMD by her, I could clearly see what was on her screen. This was extremely troubling to me, as I believe our constitutional right to a secret ballot *must* be guaranteed by our county and state election officials. I was dismayed at the thought of what would happen if I were to see my child vote in a way that I did not approve of, and how that could change my relationship with her. I made the effort not to look at her touchscreen.

25. In addition, I was particularly concerned for my and Saya's personal safety. As I have mentioned in a previous declaration, we live in an area which is very divided and contentious politically. In 2008, when we put out a yard sign for

our preferred presidential candidate, our mailbox was bashed in, and many yard signs were pulled out. Therefore, I was very careful to keep my choices as hidden as possible while voting, and instructed Saya to do the same, because I am afraid someone who does not like our choices could create trouble for us again. I hurried through my choices on the more sensitive contests displayed, rather than taking my time to check accuracy and make any last minute considerations as I would have done with a hand marked paper ballot marked in private.

August 11 Runoff Election

26. For the August 11 election, my husband, daughter, and I all applied for our absentee ballots via email on July 31. While all of our MVPs showed that our ballots had finally been received on August 6 and issued on August 7th, none of us had received our ballot by the 11th, so, just like in June, we reluctantly went to vote at the Sandy Springs Library on Election Day.

27. Once I was checked in, the poll worker slid a SmartCard through the Poll Pad encoder to set my ballot style. However, the card did not seem to activate, so the poll worker got another card and tried to encode it. That one did not work either. I feared that I would be a victim of Election Day PollPad malfunctions which are a well-known widespread problem, and that I would be forced to vote a provisional ballot. These frequently occurring PollPad Election Day problems are an additional reason I choose not to vote on Election Day at my

precinct if at all possible. For whatever reason, the third card finally worked, but by the time I finally reached a touchscreen machine, Russ and Saya were already done.

28. My husband's absentee ballot arrived in our mailbox 4 days after the election. To this day, Saya's and my Absentee Mail Ballots for both the June 9 and August 11 elections have not arrived in our mailbox.

Executed on this date, February 11th, 2021.

A handwritten signature in dark ink, appearing to read "Aileen Nakamura", written over a horizontal line.

Aileen Nakamura